

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and the following remarks.

The claims were rejected under 35 U.S.C. §112, first paragraph, with the contention that the claims contain subject matter which was not adequately described in the specification. This rejection was directed to the words "tongue-shaped" which were added to the claims by the Amendment of December 19, 2002. Those words are based upon Figures 1 and 3 of the drawings which clearly show a generally flat and planar flexible tongue-shaped member. However, the specific tongue shape was not so identified in the specification. The above amendments add such, thereby overcoming the rejection under 35 U.S.C. §112, first paragraph. It is well settled law that the drawings can be relied upon as a part of the original disclosure and that the specification may be amended to describe what is shown in the drawings. See, for example, In re Wolfensperger, 302 F.2nd 953, 133 USPQ 537 (CCPA 1962); Shaffer Tool Works v. Joy Manufacturing Company, 424 FSupp 1269, 193 USPQ 115 (SD Texas, 1976); Lockwood v. America Airlines, Inc., 107 F.3rd 1565, 41 USPQ 2nd 1961, 1966 (CAFC 1997). It is accordingly submitted that this rejection is overcome.

Claims 1, 2, 4-18, 22-24, 28-50, 57 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayes, United States Patent No. 5,709,832. Claims 22-24 and 53-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Winstead, United States Patent No. 6,232,924. These rejections are traversed, and reconsideration and withdrawal of them are requested. Applicants' invention, as described by the claims, is neither

shown nor suggested by references, whether the references be considered one at a time or in combination.

The claims are directed to an antenna assembly and a method of producing an antenna assembly in which a planar antenna element is encapsulated within a generally flat and planar, tongue-shaped, flexible member. The Office Action contends that Hayes shows all of this with the exception of the tongue shape and contends that it would have been an obvious matter of design choice to have the flexible member tongue shaped. Winstead shows a method of manufacturing an antenna assembly, but again does not teach the tongue shape. The Office Action again contends that it would be an obvious matter of design choice to make the member tongue-shaped.

Neither Hayes nor Winstead discloses a flat, planar member. Hayes shows a square member. Winstead's antenna is contoured to match the contour of his telephone casing. It is noted, however, that other references of record do show flat, planar members, for example Shoemaker United States Patent No. 5,363,114. Nevertheless, the references do not make the claims obvious.

First of all, there is no teaching or suggestion in either Hayes or Winstead, or any other reference, that the flat and planar member be flexible. The flexible member of Applicants' invention reduces the likelihood of damage due to inadvertent hitting of the antenna assembly against some object, as may happen readily when the antenna assembly is used on a hand held telecommunication apparatus such as a cellular telephone. Thus, the flexible aspect of the antenna assembly minimizes the likelihood of damage.

Secondly, making of the flat planar member tongue shaped offers significant advantages over the rectangular shape of, for example, Shoemaker, particularly in a handheld telecommunications apparatus such as a cellular telephone. Such a telecommunication apparatus is frequently carried by the user in a casual manner, for example in a pocket or in a carrier hanging from a belt. Likewise, such a telecommunications apparatus is often held by hand while walking and paying little attention to the surroundings. In such a situation, the antenna might inadvertently strike an object, or even strike the user. The sharp corners of the rectangular planar antenna of Shoemaker and others is more likely to cause damage to an object which is struck or injury to the user if the user is struck, or likely to result in damage to the antenna itself. In contrast, the rounder outer end of the tongue-shaped antenna is unlikely to cause damage or injury and more readily results in glancing off of an object which it strikes.

In addition, the tongue shape results in a more robust antenna. The root of the tongue is wider than the tip and accordingly offers a more secure and mechanically stronger attachment than a uniform width arrangement.

In view of this, it is respectfully urged that Applicants' invention, as described by the claims, distinguishes in and an unobvious manner from the references and that the claims are allowable.

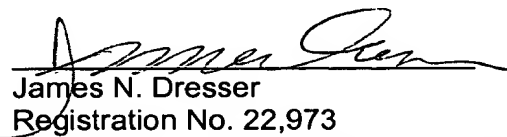
Corrected formal drawings are submitted herewith, as follows. A new sheet of formal drawings containing Figures 1 and 2 is submitted. The figure numbers have been added to these drawings, since the figure numbers were inadvertently omitted from the original drawings. In addition, Figure 2 has been amended to incorporate the amendments set forth in the Transmittal of

Proposed Corrected Drawings filed December 19, 2002. Further, a corrected formal drawing of Figure 6 is submitted herewith in which the reference numeral 115a positioned between reference numerals 115b and 160b has been corrected to 110b to agree with the specification in the paragraph commencing at page 11, line 24.

In view of the above amendments and remarks, together with the corrected formal drawings, it is respectfully urged that all of the grounds for objection and rejection have been overcome, that the claims are allowable, and that the application is in condition for allowance. Such action is requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 367.39057X00) and please credit any excess fees to such deposit account.

Respectfully submitted,


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Attachments